

IN THE MATTER of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER of an application for an on-licence pursuant to s. 99 in respect of premises situated at 1 Wharf Street, Hokitika and to be known as Sunset Point Brewery by Sunset Point Brewery Limited

AND

IN THE MATTER of an application for an off-licence pursuant to section 99 in respect of premises situated at 1 Wharf Street, Hokitika and to be known as Sunset Point Brewery by Sunset Point Brewery Limited

DECISION OF THE WESTLAND DISTRICT LICENSING COMMITTEE ON AN UNCONTESTED APPLICATION

Authority:

Pursuant to section 191(2) of the Sale and Supply of Alcohol Act 2012 and a Council resolution dated 28 November 2013, the functions, powers and duties of the Westland District Licensing Committee are delegated to the committee chairperson where no objection has been filed, and no matters of opposition have been raised by the Police, the Medical Officer of Health or an Inspector. There is no Local Alcohol Policy in place for the District.

Summary of Evidence

I am in possession of a copy of the complete files relating to these applications.

The applicant is a New Zealand Registered Private Company and is, accordingly, permitted to hold an alcohol licence. The Sole Shareholder is Aaron James Shaw who will also be responsible for the day to day operation of the business. Mr. Shaw is the person who completed the application and made the various undertakings relating to the safe and responsible sale of alcohol.

The application is detailed and appears to have been made with conviction. The application includes a document titled "Host Responsibility Policy & Alcohol Management Plan" which purports to be designed to ensure that people attending the premises will be in an environment that is comfortable and welcoming and where alcohol is served responsibly. It seems to me that the policy document is suitable for the premises to which it relates. The premises is essentially a tavern with the provision of off-sales. There is a novelty associated with the undertaking in that beer to be sold at the bar will from an on-site microbrewery. Mr. Shaw is a food scientist and I am sure that the Council would be happy for me to extend the Council's best wishes to Mr. Shaw as he goes about establishing a new business in Hokitika that will most likely become an important component of the Hospitality Industry in Westland at a time in our Nation's History that is demanding. I am not in any doubt as to the suitability of Mr. Shaw and his company.

The days and hours sought are Monday to Sunday from 10.00am until 1.00am the following day for the On-licence and Monday to Sunday from 10.00am until 10.00pm for the Off-Licence. The days and hours would appear to me to be appropriate for the type of business. They are certainly hours that are easily accommodated by the national default trading hours provided for in the Act.

The Inspector has reported and has concluded that the applicant is suitable to hold a licence, the hours proposed are satisfactory and that the nature of the premises is satisfactory.

The Police have no objection to the application.

The Medical Officer of Health has no opposition to the application.

Evaluation of Evidence and Reasons

I have not directly identified any particular amenity and good order issues. The premises include outside seating and there may be an off-site effect to be dealt with in the future if management procedures are not adequate. The premises is to be established on the extremity of the Commercial Zone in Hokitika and it adjoins a residential area. Given the detailed and responsible nature of the application I am confident that there will be no off-site issues to be considered at the time of renewal or by any other means. The community is entitled to have high confidence in the contents of the application and is entitled to the comfort that if there are issues to be dealt with then appropriate procedures will be implemented.

I am confident that as the business develops the applicant will be able to call upon sufficient systems, staff and training to continue to provide an appropriately safe standard of alcohol sale and supply. I have readily come to the view that the applicant is taking the provision of food seriously and with a touch of innovation and collaboration with others.

Although I have not identified any compelling reason to have any part of the premises designated I am cognizant of the application and the comments of the Inspector and I support the intention of having the entire public part of the premises and the outdoor area designated as supervised. There is a plan supporting the application which shows the extent of the licensed premises including the interior and exterior parts. It is not the best plan that I have seen but it is adequate for the purposes of defining areas.

I am not certain of the off-sales procedures and I am assuming that off-sales will be made across the bar. The application has been reviewed by the Police, The Medical Officer of Health and the Inspector. No one has raised any concerns as to the Off-sales part of the operation and I have not identified anything to concern me.

The building is a modern building and some alterations have had to be made to accommodate the proposed business. The file that I have clearly indicates that the work has progressed to a stage where the alterations have reached an acceptable standard of compliance with the Building Code and so there is no reason why the licence can't be issued immediately. There is clearly no reason to wait for the completion of building work.

I have considered the applications on the basis of the uncontested reports received and I have noted that there have also been no public objections. The matter can, therefore, be dealt with on the papers.

I am satisfied as to those matters provided for in s.105 of the Act.

Decision

The applications are granted on the papers pursuant to s.202 (1) of the Act as Decision Number **078-2021**(On-licence) and **079-2021**(Off-Licence) and I direct that licenses be issued pursuant to s.64 of the Act.

The terms and conditions will be:

ON-LICENCE

(a) Alcohol may be sold only on the following days and during the following hours:

Monday to Sunday from 10.00AM to 1.00AM the following day to any person

Except when the licensee also holds a special licence for the premises no alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person who is not—

- (i) residing or lodging on the premises; or
 - (ii) present on the premises to dine.
- (b) the following steps must be taken to promote the responsible consumption of alcohol:
- (i) There shall be a “Host Responsibility Policy”, similar to that which accompanied the application dated 25 January 2021, in place at all times.
 - (ii) The Principal Entrance is to be described as “the entrance to the building from Wharf Street, Hokitika”.
 - (iii) The following parts of the premises as shown on a plan submitted with the application and titled “Floor plan with part of premises intended.....” shall be designated as Supervised areas:
 - The bar area.
 - The outdoor seating area.
- (d) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all customers at all times that the licence is being exercised.

OFF-LICENCE

- (a) Alcohol may be sold only on the following days and during the following hours:

Monday to Sunday from 10.00am until 10.00pm the same day

Except when the licensee also holds a special licence for the premises no alcohol is to be sold or delivered from the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person.

- (b) the following steps must be taken to promote the responsible consumption of alcohol:
- (i) Pursuant to section 116(2)(c) of the Act, drinking water shall be freely available to all customers at each point of consumption while alcohol is being supplied free as a sample at all times that the licence is being exercised.
 - (ii) There shall be a “Host Responsibility Policy”, similar to that which accompanied the application dated 25 January 2021, in place at all times.
 - (iii) The Principal Entrance is to be described as “the entrance to the building from Wharf Street, Hokitika”.
 - (iv) The following parts of the premises as shown on a plan submitted with the application and titled “Floor plan with part of premises intended.....” shall be designated as Supervised areas:
 - The bar area.
 - The outdoor seating area.

Duration

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licenses, this licence continues in force—

(a) either—

(i) until the close of the period for which it was last renewed; or

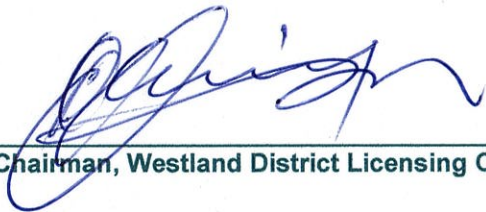
(ii) if it has never been renewed, until the close of the period of 12 months after the day it was issued; but

(b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, either—

(i) until the close of the period of 3 years after the period for which it was last renewed; or

(ii) if it has never been renewed, until the close of the period of 4 years after the day it was issued.

Dated at Hokitika this 2nd day of June 2021.



Chairman, Westland District Licensing Committee

